

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

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**MARCH 15, 2022**

**MEMBERS PRESENT:** Stephanie Dexter, Robert Vetere, Bart Pacekonis, Alan Cavagnaro, Kevin Foley, Michael LeBlanc, Stephen Wagner

**ALTERNATES PRESENT:** Paul Bernstein, Atif Quraishi

**STAFF PRESENT:** Michele Lipe, Director of Planning; Jeffrey Doolittle, Town Engineer; Michael Lehmann; IT Support; Caitlin O’Neil, Recording Secretary; Marek Kozikowski, Council Liaison

**PLEDGE OF ALLEGIANCE**

**REGULAR MEETING/COUNCIL CHAMBERS:**

**CALL TO ORDER:**

**PUBLIC PARTICIPATION:**

**NEW BUSINESS:** Discussion/Decision/Action regarding the following:

1. PZC Sponsored Text Amendment- Add Section 1.4 Residential Moratorium on Single Family Subdivision and Special Exception Permits for Housing to Article 1 Introductions/Districts.

Director of Planning Michele Lipe confirmed she did not have any new updates and she had distributed updated text amendment language for the Commission including suggested items that may be investigated during the moratorium.

Commissioner Foley motioned to pass the text amendment as stated below:

1. The Planning and Zoning Commission finds that the zone text is in conformance with the Town Plan of Conservation and Development.
2. The effective date of the zone text amendment is 3/27/22.

Add Section 1.4 Residential Moratorium on Single Family Subdivision and Special Exception Permits for Housing to Article 1 Introductions/Districts

The Planning and Zoning Commission has planned carefully the growth of the community and has guided the development of residential areas within the Town into neighborhoods. Recent legislation regarding multi-family housing, accessory apartments, coupled with the need to create more affordable housing and the Commissions growing dissatisfaction with environmental impacts of lots yielded through open space subdivision and interior lots regulations warrants a moratorium until the PZC can fairly assess and revise its zoning regulations as to subdivisions and housing that will fairly meet the objectives of the legislation and the Town’s Plan of Conservation and Development.

The Planning and Zoning Commission hereby declares an immediate moratorium on all applications for, and approvals of, single family residential subdivision or resubdivision which creates three or more lots and any special exception permits for any single family, duplex or multi-family residential housing. Any housing units or general plans for housing that have been already approved prior to the effective date of this moratorium shall not be affected. The expiration date of this Moratorium shall not exceed 12 months from the effective date of adoption unless extended by the Planning & Zoning Commission. Expires 3/27/23

No applications will be accepted or heard by the Planning and Zoning Commission, and no approvals will be given by the Planning and Zoning Commission for new housing units during this period.

During this moratorium period, the Commission will investigate:

- incorporating affordable housing requirements and regulations for multi-family, duplex and single family developments to further the objectives of providing diverse and affordable housing options;

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- assess the environmental impacts of lots created as part of current open space subdivisions to determine changes appropriate to create more usable residential lots;
- review bulk requirements of all residential zones and to determine appropriate changes need to further housing goals; and
- review lot criteria, bulk requirements and other zoning regulations permitting for interior lots to ensure they are meeting the original intent and provide adequate environmental and aesthetic protections.

Commissioner LeBlanc seconded the motion. Roll call was held. Commissioner Foley, LeBlanc, Dexter and Pacekonis voted in favor; Commissioner Cavagnaro, Wagner and Vetere voted against the moratorium. The motion passed 4-3.

2. **Appl. 22-01P, 25 Talbot Lane Site Plan-** request by UW Vintage Lane II, LLC for site plan approval for a 359,640 sq ft distribution facility on 30.37 acres of property, on property located at 5, 25 Talbot Lane, 475 and 551 Governor's Highway (southerly side of Governor's Highway, easterly side of Talbot Lane), I zone (action by 3/17/22)

Director of Planning Michele Lipe commented that the first order of business was to decide on the interveners petition.

Chairman Pacekonis discussed whether or not the intervener met their obligation by proving the application is reasonably likely to cause harm to the environment. Chairman Pacekonis commented that while the applicant did provide a snow removal plan, he does not feel it is a satisfactory plan and could cause unreasonable pollution. Commissioner Wagner, LeBlanc Foley and Pacekonis discussed the potential environmental impacts caused by the impervious surfaces of the site plan, specifically concerned about the impact of snow removal since there are limited areas for snow storage on the site. Commissioner Wagner, Foley and Pacekonis agreed that that the snow removal would likely be stored in areas that would ultimately affect the wetlands and tributaries downstream. For example, if a plow company was to put snow into the wetlands it would cause harm to the environment and ultimately could potentially dump into the Connecticut River. Commissioner Foley added that his concern that recent winters have been less snowy and icier and the use of ice melting treatments would find its way into tributaries around the site.

Chairman Pacekonis called the question on whether the intervener met their proof of burden. The vote was unanimous. Roll call was held. Commissioner Cavaganaro, LeBlanc, Foley, Wagner, Dexter, Vetere and Pacekonis all voted in favor.

Chairman Pacekonis commented that the intervener had provided substantial evidence that showed unreasonable harm to the environment and the wetland area. Additionally, a feasible and prudent alternative of a smaller building footprint with less impervious surface, specifically, by eliminating parking in the wetlands and upland review area would minimize the negative impacts on the environment.

Commissioner Wagner motioned to approve the application with the following modifications:

Based on the intervenor finding showing unreasonable harm to the environment and the wetland area, a feasible and prudent alternative of a smaller building footprint with less impervious surface, specifically, by eliminating parking in the wetlands and upland review area would minimize the negative impacts on the environment.

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1. Prior to commencement of any site work, a meeting must be held with Town Staff.
2. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
3. This application is subject to the conditions of approval of the Inland Wetlands Agency/Conservation Commission, including bonds in the amount of \$50,000 to ensure compliance with the erosion and sediment control measures and \$100,000 to ensure establishment of storm water system and wetlands mitigation.
4. A landscape bond in the amount of \$75,000 is required and must be submitted prior to the issuance of a certificate of occupancy if work is not completed.
5. All bonds must be in one of the forms described in the enclosed Bond Policy.
6. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
7. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
8. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
9. No building permits will be issued until the Office of the State Traffic Administration certificate has been issued (per CGS §14-311).
10. The building street number must be included on the final plan.
11. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
12. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
13. Engineering comments dated 2/7/22 must be incorporated into the final plans.
14. All truck queuing shall occur within the site boundaries. No trucks shall park on Talbot Lane and/or Governor's Highway waiting to enter the site. Signage shall be maintained along the public roadway, Talbot Lane, indicating "No Parking, Standing or Queuing".
15. The site plan shall be modified to reduce the number of overhead doors and parking spaces on the westerly side of the site so that there is more area for trucks to maneuver with trailers still connected.
16. No truck washing shall occur on-site without further approval from this Commission
17. A deed combining all four properties into one building lot shall be submitted. The property address shall be known as 25 Talbot Lane.
18. Evergreen trees and/or bushes shall be interplanted within the 50-foot buffer area to enhance the screening of the site and maintain buffer screening over time subject to staff approval.
19. The conservation 40-foot easement shown to include the berm and landscape area shall include language requiring the maintenance of the plantings in perpetuity to achieve the required buffer screening requirements of Section 6.2.4 B.
20. The facility operator and operator's security services shall monitor and enforce compliance with all federal, state and local idling ordinances. Anti-idling signs shall be posted on site in areas visible to

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truck drivers. The applicant shall utilize the State CT DEEP model design for such signage. Lengthy idling needed to provide heating and cooling during driver rest is not permitted; the operator shall provide alternative rest accommodation.

21. Site line easements, grading easements and potential future ROW shall be shown on the plans in the vicinity of the automobile entrance on Governor's Highway to accommodate potential road improvements that the town may consider in the future.
22. Prior to construction and prior to subsequent changes in the occupant or the occupant's use of the facility, the owner and intended occupant shall submit to the Planning Department a description of the activities of the initial or subsequent occupant in sufficient detail to determine that the use is a distribution center and/or warehouse and not a truck or freight terminal. If the Planning Department determines that the use would be considered a truck or freight terminal, the owner shall apply to the Commission for review and approval of the use prior to construction, initial operation, or tenant or use change. The Planning Department should consider distribution of products to end users or to retail sites to be typical of distribution center use. Handling of international freight containers or distribution of inventory among distribution centers, warehouses, and truck or freight terminals should be considered typical of truck or freight terminals.
23. Grading along Governor's Highway shall be able to accommodate a future five-foot sidewalk OR a five-foot sidewalk shall be installed along Governor's Highway frontage.
24. There shall be no security gate at the truck entrance of Talbot Lane to allow for the free flow of tractor trailers on to the site. In the event the future owner/tenant wants to incorporate a gate, a truck queuing plan shall be submitted as part of a site plan modification application to this Commission.
25. Prior to allowing use of heavy equipment for clearing or grading the site, the applicant should commission a detailed sweep by professionals on Explosive Ordinance Disposal (EOD) in the areas identified on aerial mapping submitted at the public hearing to ensure absence of any Un-Exploded Ordinance.
26. A chain link fence shall be installed to prevent snow storage in the area on the southwest corner of the truck parking area that is reserved to protect rare plant species.
27. A pathway from the southern end of the site shall be provided through the Town open space to provide a connection to the existing walking trail created as a part of the Constitution Landing industrial subdivision.
28. The sign shown on sheet C-SP1 that reads "TRACTOR TRAILERS NO RIGHT TURN" shall be modified to read "TRUCKS NO RIGHT TURN". An additional sign shall be added on the Governors Highway frontage of the site that reads "TRUCKS NO LEFT TURN".
29. The applicant shall comply with all state and local noise ordinances. The timber noise barrier shall be relocated from adjacent to the southernmost loading dock to the south side of the southernmost driveway and lengthen it to suppress noise from additional trucks in addition to the truck parked at the loading dock.
30. Before any construction or site preparation activities ensue, the applicant shall demonstrate to the Town Engineer's satisfaction with simulations using AutoTURN or similar industry-recognized software that all maneuvers of WB-67 trucks of KCRT (kingpin to center rear) lengths between 41 feet and 43.5 feet can safely execute all the maneuvers needed to enter and leave the queuing area, enter and leave the loading docks, and park and unpark trailers in the trailer parking areas. Any minor

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site plan revisions resulting from this work shall be shown not to violate bulk requirements of the regulations.

Chairman Pacekonis asked Commissioner Wagner to review item #23. Chairman Pacekonis asked that this item include a sidewalk be installed instead of just graded. Commissioner Wagner accepted the amendment. Commissioner Foley seconded the motion.

Commissioner Wagner provided a lengthy written statement regarding the application (Exhibit AA) and proceeded to discuss the issues in the statement that arose from concerns of residents and others. Commissioner Wagner discussed a series of issues brought up by various parties. Regarding the issue that there is no known occupant, he noted that this is fairly common at this point of an approval process. Regarding the issue of Intervener, Derrick Butler's, qualification, Commissioner Wagner commented that he felt Mr. Butler was an expert in his field. Commissioner Wagner commented that he did feel there were deficiencies in the traffic report, however, per Attorney Connor's memo he does agree that these concerns are not in the Commissions purview, therefore, cannot be considered as part of the site plan review. The concerns regarding off-site maneuvering brought up by Mr. Butler, while ~~are~~ valid concerns, unfortunately, cannot be considered since this is an off-site traffic issue.

Commissioner Wagner commented on the parking area concerns ~~that was~~ brought up by members of the public including insufficient number of parking spaces and insufficient area for snow storage. He then reviewed the number of parking spaces required per Table 6.4.3B of the regulations The site plan does not provide the number of parking spaces based on a literal interpretation of the Table and he did not accept the applicant's assertion that 100 employee spaces covered the largest shift and turnover. In addition, he found insufficient area for snow storage. He then reviewed the number of parking spaces required and the proposed spaces by the applicant for both employees and tractor-trailer truck drivers and their trucks based at the site. Commissioner Wagner commented that he ultimately felt this was an insufficient parking plan.

Commissioner Wagner then discussed on site maneuvering and commented that both Derrick Butler and Attorney John Parks discussed and submitted information that showed insufficient maneuvering of trucks on the site. Conversely, Mr. Hesketh, who performed a peer review of the Langan report, felt that this site design was capable of handling a WB 67 truck. Commissioner Wagner commented that at this time, he does not feel applicant has properly demonstrated to the Commission that the site could handle the truck maneuvering. However, he suggested an approval condition that acknowledges this issue and asks for the Town Engineer to review this plan in more detail and to have the applicant provide simulations to the town for further review.

Commissioner Wagner disagreed with the applicant's assertion that because there were two parking areas on the west side, each less than 200 spaces, a perimeter road is not necessary. He stated that there is a single connected car parking area consisting of 410 built and reserve spaces, and therefore, a perimeter road is required.

Commissioner Wagner discussed snow storage plan and commented that currently the plan shows snow storage on the landscaping, which would destroy it. Additionally, per Commissioner Foley comments, a qualified plow company would not store snow against the building. Therefore, Commissioner Wagner does not feel there is an adequate snow storage plan. Commissioner Wagner went on to explain that due to the above-mentioned issues, this would be sufficient reason to deny the application.

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In conclusion, Commissioner Wagner found that the building is too large for the site. Leaving insufficient room for parking requirements. The plan does not provide sufficient parking to justify reduced parking per Section 6.4.9.

Commissioner Wagner commented on additional concerns raised during public hearing, specifically, loading and unloading times and trip generation accuracy. Mr. Hesketh and Mr. Butler had a large gap in their estimation of how long they estimated a truck to be unloaded. Resident and Professional Engineer Wei Zhang also challenged the Langan trip generation report. Commissioner Wagner reviewed Mr. Zhang's findings and found them to be believable. Commissioner Wagner commented that a larger number of peak trips calculated by Mr. Holowczak did not seem possible given the amount of loading docks on the site. Thus, he felt Mr. Zhang's estimates to be more appropriate. In conclusion, he found sufficient issues with the queuing analysis and inadequate proof of no back up of trucks onto Talbot Lane and Governor's Highway, therefore, an additional reason to deny the application.

Commissioner Wagner then discussed the ongoing truck terminal vs. warehouse/distribution center issue. Commissioner Wagner discussed the applicant's site plan, loading docks vs. square foot ratio table and then reviewed an article that discussed the modern features of a truck terminal. Ultimately, there seems to be a large amount of ambiguity around what constitutes a truck terminal and from his understanding, a court would likely give a benefit of the doubt to the applicant. Commissioner Wagner commented that the determination should be made on the actual use, which is why an approval condition was included to cover this concern should the use change to a truck terminal.

Commissioner Wagner commented on the truck idling issue discussed during the public hearing. Commissioner Wagner commented that the applicant did commit to following idling regulations/ordinances, however, these regulations provide flexibility like extreme weather. However, Derrick Butler cited federal regulations that allows for pre-trip inspections, therefore, trucks cannot be limited to the three-minute idling ordinance. [Caitlin, could you check whether I commented out loud on the following or only in the written statement?] Commissioner Wagner also noted that he had provided a condition to prevent trucks from idling solely to provide rest for the drivers.

The issue concerning stormwater discharge had been discussed. Commissioner Wagner commented that the Town Engineer had reviewed this plan and found no issues, therefore, he would not be considering this issue as part of a reason to deny the application. Commissioner Wagner then discussed the wildlife concerns presented by the residents. The town's Inland Wetland Agency and Conservation Commission had reviewed the plan and found it to be satisfactory.

Commissioner Wagner commented on his ongoing concern that this plan deviates substantially from the from the May 2000 Constitution Landing subdivision and what was considered in that application, so the considerations of the Subdivision Regulations should be reviewed in connection with this site plan. He recognized that the Director Planning and Town Attorney both still share the opinion that this site plan should not be reviewed under the Subdivision Regulations. Commissioner Wagner discussed why he felt this plan falls under the Subdivision Regulations. Commissioner Wagner commented on two additional key issues, pollution and excessive noise concerns. Commissioner Wagner reviewed the health hazards that can be caused by excessive noise. Commissioner Wagner commented that these concerns do not fall under the review for a site plan, however, they are a part of the consideration of the Subdivision

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Regulations. Commissioner Wagner then reviewed the Acoustical Study submitted by the applicant and the noise ordinance, which does not allow running trucks to be considered as part of the ordinance. Therefore, the ordinance cannot enforce noise put out by running trucks. Commissioner Wagner commented on concerns with air pollution ~~concern~~ and the substantial adverse effects that may be imposed on the surrounding neighbors and businesses. Commissioner Wagner commented that while these are concerns are significant, this issue cannot be considered as part of a site plan approval but do come under subdivision concerns.

Commissioner Wagner summarized his issues with the site plan and why he felt it was appropriate to deny the application.

Chairman Pacekonis discussed his concerns with the application. Chairman Pacekonis commented that the applicant had provided a document that listed the sections of regulations for which they felt they met. Chairman Pacekonis commented that he did not agree with this document entirely. Chairman Pacekonis commented that the applicant maintains that they are not requesting any waivers. However, there is a regulation that states no loading dock shall face a public highway or it can be waived if the Commission finds that a loading dock would not cause any undue noise and visual destruction and the applicant did not request this waiver. Chairman Pacekonis commented that the applicant stated that they are not making any off-site improvements, however, he feels that the island on the corner of Talbot Lane and Governor's Highway needs to be addressed as he does not feel a truck could make this turn without going over the island. Chairman Pacekonis added that Commissioners continued to have concerns about traffic and circulation concerns around the site.

Chairman Pacekonis reviewed the definition and purpose of a buffer and commented that in his opinion, the applicant did not create a proper buffer, particularly for the size of the building. Chairman Pacekonis added that the purpose of a buffer is to help mitigate both visual and noise issues from the site. Furthermore, the applicant chose to locate the berm outside the buffer area and feels the berm could not be properly maintained.

Chairman Pacekonis discussed his issues with the design of the parking area. He added that it was not addressed in the approval conditions but in the reserve parking area there should be a 4 ft. sidewalk as well. Chairman Pacekonis pointed out that in regards to off street loading, there should be screening from this activity and a waiver would be needed for this but again, was never requested. Chairman Pacekonis commented that he had discussed this issue in the past public hearing but he still continues to have concerns regarding the berm. He feels that the berm is significantly smaller than what is needed since the building is approximately 40 ft. tall. Ultimately, the purpose of the buffer would be to obscure activities on site and the proposed 6 ft. berm would not screen this.

Chairman Pacekonis commented that he continues to feel strongly that a pedestrian sidewalk should be included on Governor's Highway frontage, as pedestrian need to be able to access the site safely. Chairman Pacekonis further discussed his issue with the proposed buffer and reviewed the purpose of buffers. Again, Chairman Pacekonis did not feel these criteria had been met in the site plan. Chairman Pacekonis reviewed the regulations for off-site loading and loading docks and added that he did not feel the loading docks were being adequately screened. Chairman Pacekonis commented on the traffic requirements and commented that in his opinion the current design does not provides for safe and orderly vehicular and pedestrian flow. Chairman Pacekonis then reviewed the parking and landscape plan, which does not show satisfactory snow storage and removal. Chairman Pacekonis commented that the applicant has stated they designed a similar plan to other nearby warehouses and distribution centers, however,

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Chairman Pacekonis pointed out that no other warehouse/distribution center is surrounding by residential neighborhoods on three sides. Chairman Pacekonis commented that Attorney Connor's has commented numerous times stating the Commission must approve this application because it meets the regulations. However, due to above mentioned items, this application has many issues and concerns. Chairman Pacekonis thanked members of the public, specifically Derrick Butler and John Hapkiewicz, for their insight on many issues but particularly truck maneuvering. Chairman Pacekonis commented that he would like to alter the above-mentioned approval conditions to make sure a sidewalk is added on the Governor's Highway frontage. Additionally, Chairman Pacekonis commented on approval condition item 26, which mentions a fence with the purpose of protecting the area from snow removal but commented he would also like to see a "No Snow Storage" sign here as well. Michele Lipe commented that both these items could be added a friendly amendments. Commissioner Wagner and Foley both agreed to the added conditions.

Commissioner Dexter asked for clarification on approval condition #15. Director of Planning Michele Lipe commented that this item specifically referred to decreasing the number of overhead doors and parking spaces on the site to help address truck maneuvering concerns.

Chairman Pacekonis commented that he would not support the motion.

Commissioner Wagner thanked the members of the public for their input and valuable information that was provided. Commissioner Wagner commented that he was appalled that the applicant would still move forward with the application given the health impacts presented.

Chairman Pacekonis called the motion. No Commissioners voted for the motion; Commissioners Foley, Wagner, LeBlanc, Dexter, Vetere, Cavagnaro and Chairman Pacekonis voted against the motion. The motion failed 0-7.

3. **Appl. 22-06P, Peoples Bank on behalf of Evergreen Walk LLC** – request for site plan approval for a 2,000 sf bank, located on Unit 5a (southwesterly corner of Buckland Road and Cedar Ave), on property located at 151 Buckland Road, Buckland Gateway Development Zone (action by 3/31/22)

Jay Fisher CFO of AccuBranch presented on behalf of the applicant. Mr. Fisher commented that also present was Darren Overton, Civil Engineer with SLR Consulting, Katherine Meese, Project Manager with Tecton Architects. Mr. Fisher briefly reviewed the site plan and commented that they are only proposing a site plan for a 2,000 square foot bank at this time. Mr. Fisher then reviewed the renderings and master plan. Mr. Fisher commented that the master plan was just a concept that showed different potential building configurations for the site. Mr. Fisher reviewed the driveway configuration and explained that they are proposing a right in and right out driveway off of Cedar Avenue and a normal driveway entrance off of Cottonwood Lane. Mr. Fisher added that they did receive positive feedback from Architectural Design Review Committee.

Darren Overton of SLR reviewed the engineering for the site. Mr. Overton commented that they did receive approval from Inland Wetland Agency/Conservation Commission. Mr. Overton reviewed the site's elevation and the overall master plan. Mr. Overton commented that they he did receive feedback from town staff and has since provided additional information on a phasing plan and an outline for the construction timeline. Mr. Overton commented that they are proposing a 2,000 sq. ft. bank with fifteen parking spaces in total, featuring one handicap parking space. Mr. Overton reviewed the access to the site and the landscape plan. Mr. Overton added that public water and sewer would be accessed for this site and future development would also have access. Mr. Overton commented on the drainage plan, water

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flow quality, and erosion and sedimentation plan. Additionally, per staff comments, a sidewalk coming from Cedar Avenue had been incorporated and a crosswalk had been added. Mr. Overton commented that he had provided a letter to the Commission that responded to town staff comments.

Katherine Mease of Tecton Architects and Project Manager for the site reviewed the renderings for the site. Ms. Mease discussed the roofing, which has a standing seam metal roof at the gable and canopy and an asphalt roof on the main portion of the building. Ms. Mease commented on the drive thru location and height. Ms. Mease then discussed the wall mounted nautical style sconces and the general New England style architecture that they tried to incorporate in the building by adding elements of blue for accent. She then reviewed the northwest and southeast perspective. Lastly, she reviewed photos from other recently built banks with the exact same design as the proposed application.

Chairman Pacekonis asked for staff comments.

Director of Planning Michele Lipe read the Planning Report.

1. Request for site plan approval for a 2,000 sf bank, located on Unit 5a (southwesterly corner of Buckland Road and Cedar Ave), on property located at 151 Buckland Road, Buckland Gateway Development Zone. The site size is 5.7 acres
2. The general plan for unit 5a was recently approved by this Commission and this is the first building of potentially three buildings for this site. Currently the site is vacant.
3. The proposal is to have the primary access the site from Evergreen Walk's internal road network, previously known as Evergeen Way, now Cottonwood Drive, as well as a right turn in and out off of Cedar Drive (heading east).
4. This proposal is being presented as a phased plan with the bank and the access drives as phase 1. As the other uses are added to the site, the applicant will return to the PZC and the IWA/CC with site plans.
5. The parking requirement for the bank use is 1 space for 250 sf +1 per employee. The plan shows 15 spaces for the bank. This does not meet the threshold to require EV charging stations; however, they will be required in future phases.
6. Sidewalks are proposed to be added along Cedar Ave. along the banks lot for phase 1 and shown existing along the northern side of Cottonweed Drive. The applicant has extended the sidewalk from Cedar along the bank site drive for access to the bank.
7. Lighting pole height is 25 feet. Luminaires are full cutoff fixtures of the same type used in other areas of Evergreen Walk. There will be accent lighting on the building.
8. The building design is a New England style design. Architectural and Design Review Committee reviewed this plan on February 17 and were complimentary to the proposal as presented.
9. Building signage is proposed for the building. The applicant has provided a graphic of the proposed signage on the plans that were submitted. There is no monument sign proposed at this time.
10. Landscaping is proposed along the site frontages as well as within the parking area. There should be no visible rooftop mechanical equipment. A dumpster should be provided with phase 1 and shown on a concrete pad and screened.

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11. There are regulated wetlands on site. IWA/CC approved the application on February 16 with a bond in the amount of \$10,000 to ensure compliance with the erosion and sediment control and \$15,000 for the stormwater structures.
12. Public water is available in Cottonwood Drive. Water Pollution Control Authority approval is required.
13. The applicant has provided a traffic statement with this application. OSTA approval has been granted for the entire development as shown on the General Plan and this project is included in the approved square footages.

If this site plan is approved, the Planning Dept. requests that a phasing plan clearly delineating work being done in phase 1 being included in the final plan set.

Town Engineer Jeffrey Doolittle read the Engineering Report.

I have reviewed the above Site Plan received in July and have the following comments

1. The overall site layout, grading and utilities and E&S plans need to include a phasing plan that clearly shows the work that will be done as part of the Peoples Bank development and future work on this piece. This needs to include where utilities will be left for future development on site.
2. The driveway from Cedar Ave needs to be built out to what is now Evergreen Way as part of the Peoples Bank development (phase 1).
3. The proposed sidewalk along Cedar Ave needs to be built from Buckland Road to what is now Evergreen Way as part of Peoples Bank (phase 1).
4. The two old driveways on Buckland Road need to be removed with these curb cuts and new curbing installed along the Road with the new sidewalk sections, and the remaining area of the old driveways graded, top soiled and seeded. The existing retaining wall and fence along the southern driveway should be removed and the area graded up to the sidewalk.
5. A pedestrian sidewalk needs to connect the new Peoples Bank entrance to the proposed sidewalk on Cedar Ave with a painted crosswalk across the driveway around the bank.
6. The grading plan for Peoples Bank needs to show more spot elevations around the north and east side of the bank (where it appears flat) and in the driveway from Cedar Ave where there appears to be a flat area.
7. The Drainage report shows 3 structures with excessive stormwater spreads (ponding) in the Inlet Report page. The first is CB1 which is ok as it is at the outlet by the slope. The second is CB 1.1 in the future parking lot which should be made a double type 2 CB to reduce the spread, and the third is AD 1.1.2 in the future parking lot median island that needs to have a larger inlet or another AD added upstream to reduce the spread there.
8. The Hydraulic Grade Line Computations should include the TF elevation and clear freeboard space above the HGL for each structure under the design flow.
9. The overall site plan layout shows a number of EV spaces that need to be for Level 2 charging per the PZC regulations. When will these be installed?
10. Where will dumpsters for trash and recycling be located?
11. Note the Town sidewalk specifications call for 4000 psi concrete.

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12. WPCA review and approval is needed for Peoples Bank and will be needed for all future development on this site.

Chairman Pacekonis asked for Commissioner comments and questions.

Commissioner Wagner commented that he appreciated the EV vehicle parking spaces and added that he would like to see one space be designed to be van accessible. Commissioner Wagner discussed options to protect the EV charging spaces from vehicle impacts like bollards. Mr. Fisher commented that they would need to consult with the EV charging company on choice of protection but assured Commissioner Wagner that they EV chargers would be protected from vehicle impact.

Commissioner Cavagnaro commented on the crosswalks and questioned if they would consider making one of the crosswalks a raised crosswalk to help prevent speeding on the site. Mr. Fisher responded that they would look into this during construction, however, he was concerned about snow plows.

Chairman Pacekonis questioned how they would end the road pavement in a safe manner since the site would not be fully developed. Mr. Fisher commented that they would install a temporary curb and added that they did have had interest in the site for other development. Chairman Pacekonis commented that he liked the architecture.

Commissioner Dexter motioned to approve the application with the following modifications.

1. Prior to commencement of any site work, a meeting must be held with Town Staff.
2. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
3. This application is subject to the conditions of approval of the Inland Wetlands Agency/Conservation Commission, including bonds in the amount of \$10,000 to ensure compliance with the erosion and sediment control measures and \$15,000 for the installation of the stormwater structures.
4. A landscaping bond in the amount of \$5,000 is required to be posted prior to the issuance of the Certificate of Occupancy.
5. All bonds must be in one of the forms described in the enclosed Bond Policy.
6. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
7. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
8. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
9. No building permits will be issued until the Office of State Traffic Administration certificate has been issued (per CGS §14-311).
10. The building street number must be included on the final plan.
11. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
12. All free-standing signs and/or building signs require the issuance of a sign permit before they are erected.
13. Engineering comments dated 3/14/22 shall be incorporated into the final plans.

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14. A phasing plan shall be submitted.

Commissioner Cavagnaro seconded the motion. Commissioner Wagner asked to add condition that one EV charging spaces be van accessible and to be protected by one of the options in the Zoning Regulations. Both Commissioner Dexter and Cavagnaro accepted the added modification. The motion passed unanimously.

4. Presentation/discussion of the Draft Affordable Housing Plan with Glen Chadler from Planimetrics (draft previously distributed)

Glen Chadler from Planimetrics presented the Draft Affordable Housing Plan that had been put together by the town's Affordable Housing Working Group with a PowerPoint presentation (Exhibit A). Mr. Chadler reviewed the history of the affordable housing plan in Connecticut adding that the state passed a housing plan in 2017 that stated an affordable housing plan would need to be updated every five years. Mr. Chadler then reviewed the results of the housing survey that went out to the residents of South Windsor to understand how the town would like to approach the affordable housing plan.

Mr. Chadler then reviewed the draft Affordable Housing Plan outline which includes five sections; planning for housing choice, relevant information, overall vision, housing strategies and implementation. Mr. Chadler discussed the affordability of housing over the past 65 years, and highlighted the large spike in housing prices, which has caused housing unaffordability and challenges for homeownership. Mr. Chadler then reviewed the data for town of South Windsor's housing cost burdens. Currently the town has 6.8% affordable housing available and the state's threshold is 10%. Mr. Chadler reviewed overall vision of the Affordable Housing Working Group, which includes affordable housing and options for all ages, incomes and life stages. Mr. Chadler then discussed strategies to achieve affordable housing and gave examples such as establishing on-going working groups, established special housing funds, standard documents to help assist in sales of affordable housing, and increase deed restricted housing especially when a large development is being proposed. He also discussed the idea of investigating smaller scale affordable housing developments. He summarized the timeline for the plan, the next step would be presenting the plan to the Town Council and then hold a public hearing with the Planning & Zoning Commission on April 26, 2022.

Chairman Pacekonis asked for Commissioner comments and questions.

Commissioner Quraishi questioned if there is a statute to have public transportation near affordable housing. Glen Chadler responded that there is not a statute, but discussed the importance of looking at affordable housing near the center of South Windsor for better access to necessities such as transportation and grocery stores.

Chairman Pacekonis questioned what is needed from the Commission at this time. Michele Lipe responded that the Commission would need a motion to set a public hearing for April 26, 2022.

Commissioner Wagner commented on the schedule shown by Mr. Chadler and questioned the adopting entity of the plan. Mr. Chadler commented that Planning & Zoning Commission is the adopting entity and the statutory deadline for the plan is June 1, 2022. Mr. Chadler added that that he would be going to Town Council on March 21 with the plan and would bring back any comments from this presentation to the Planning & Zoning public hearing.

Commissioner Wagner and Glen Chadler discussed the relationship between Affordable Housing Plan and the Plan of Conservation and Development. Commissioner Wagner commented that affordability should include more than just price of the house, also important to consider location. Commissioner

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Wagner commented that the median income is high in South Windsor and questioned how should this be addressed. Mr. Chadler responded that individuals that are at 50% of area median income or lower are the most challenging affordable housing options. However, he anticipates the local Housing Authority would address this group and their needs. Mr. Chadler discussed the potential assistance from private developers to develop housing like the already established Flax Hill in town. Mr. Chadler explained why trailer parks are not currently considered part of the list for lower end of median income housing options. Commissioner Wagner commented that while it is important to have right counts, he feels it is more important to have people that fall into all income categories have a quality place to live. Mr. Chadler agreed and commented that this is a team effort, public safety organizations and the health department all have a hand in this effort. Commissioner Wagner commented that the plan showed some affordable housing land in the Buckland Gateway Zone and the Commission recently denied a plan in this zone that included affordable housing unit and feels this Commission should revisit this decision.

Chairman Pacekonis commented that Commissioner Bernstein would now be seated for Commissioner Foley who had left the meeting. Commissioner Bernstein questioned the impact the approved housing moratorium would have on this Affordable Housing Plan. Chairman Pacekonis commented that by having the moratorium in place the Commission would have time to update the regulations to potentially incorporate more affordable housing requirements.

Commissioner Wagner motioned to set the public hearing date for April 26, 2022. Commissioner Vetere seconded the motion. The motion passed unanimously.

Commissioner Vetere motioned to extend the meeting to 10:00pm.

Commissioner Cavagnaro seconded the motion. The motion passed unanimously.

**5. Appl. 15-48P, One Buckland Center – change order request to modify required parking to accommodate a restaurant use (discussion continued from 2/15/22)**

Peter DeMallie of Design Professionals presented on behalf of the owner Scott Leonard and commented Daniel Jameson of Design Professionals was also present. Mr. DeMallie commented on his past presentation from February 15, 2022 meeting. He reviewed the need for parking modification, a Subway franchisee is interested in moving to the plaza and would need a reduction of parking. Mr. DeMallie explained the application is asking for a reduction in parking from the required 31 spaces to eight parking spaces. Mr. DeMallie reviewed why the eight parking spaces would be enough to accommodate the needs for a Subway restaurant and reiterated the data from the previous meeting about Subway parking for nearby franchises. Mr. DeMallie commented that Subway is a quick service establishment, therefore, should be considered different from a traditional restaurant. He summarized that due to reports presented, he and the applicant they feel eight parking spaces is adequate and justified.

Chairman Pacekonis asked for town staff comment.

Director of Planning Michele Lipe reviewed her concern with the request. Ms. Lipe was concerned about another type of restaurant or sub shop moving into the space down the road and the need for parking changes. Ms. Lipe added that the applicant or the Commission should consider a text change to the parking requirements for this type of restaurant rather than the modify the number as requested.

Town Engineer Jeffrey Doolittle had no comment.

Commissioner Vetere questioned with the current layout of the parking lot, what is the maximum amount of spaces that be logically assigned to Subway. Peter DeMallie responded that eight spaces is the maximum amount of spaces that could fit in that parking lot.

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Commissioner Dexter commented on overflow parking concerns should the plaza become fully occupied and added that they would be unsure if a parking problem exist until more tenants move into the plaza.

Chairman Pacekonis commented that he was hesitant to move forward with the request since there are no additional or reserve spaces and questioned what would happen should this plaza become more occupied. Chairman Pacekonis discussed the potential need to address the regulations to change the needs of parking for a grab and go restaurant like Subway.

Commissioner Wagner echoed the same concern as Commissioner Vetere, Dexter and Pacekonis. Adding that he felt the regulations should be tied to the number of tables in an establishment since Subway does not have as many seats and tables.

Commissioner LeBlanc commented that he recognized that Subway is a more grab and go restaurant.

Mr. DeMallie commented that he would work with the Planning Department on this issue and come back to the Commission another time.

**6. Appl. 18-23P, 150 Sullivan Ave LLC – request for a site change order for changes to approved building locations**

Phil Tartsinis, owner and applicant, commented on the change order being requested. Mr. Tartsinis commented that he is looking to rotate the two front buildings that are proposed on the site plan. Mr. Tartsinis explained that the rest of the site plan would remain the same and added that the functionality would be better on the site with the proposed change. He reiterated that there would be no change in use or size of the site and added that he has been looking to start this project soon and is waiting on tenants.

Chairman Pacekonis asked for staff comment.

Director of Planning Michele Lipe commented that she and Town Engineer Jeffrey Doolittle have worked with Mr. Tartsinis and his engineer on adjustments to the plan and they are satisfied with the changes. Ms. Lipe added that Mr. Tartsinis would still need WPCA approval prior to the start of any construction and that all the original approval conditions would remain in effect..

Commissioner Wagner commented the change would allow for parking to visible and near the road.

Commissioner Cavagnaro questioned the crosswalks on the plan. Phil Tartsinis commented he would be willing to do a raised crosswalk. Mr. Tartsinis added that the driveway would be an additional buffer so cars are not parking right next to the road and reiterated the rest of the plan has not changed.

Commissioner LeBlanc and Pacekonis commented that they did not see a problem with the change.

The Commission agreed by consensus to the changes being proposed and approved change order.

Commissioner Wagner motioned to extend the public hearing to 10:20pm. Commissioner Cavagnaro seconded the motion. The vote was called and the motion passed unanimously.

**7. Appl. 21-56P Prime Wellness of CT - request under Section 6.4.7 to create an off-site parking lot for 20 cars on 45 John Fitch Boulevard for the Prime Wellness hybrid facility proposed at 75 John Fitch Boulevard, GC zone (action by 3/23/22)**

Attorney Kenneth Slater of Halloran and Sage commented on behalf of the application. Attorney Slater commented that Prime Wellness received approval from the Commission in November to change from a medical marijuana facility to a hybrid cannabis facility, this use is currently treated as a pharmacy use.

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After some research per the request of Michele Lipe, the applicant has found that the currently parking does not meeting the requirements of the Zoning Regulations. The facility is short nine parking spaces and the solution the applicant is offering is to add a twenty-space parking lot that would be utilized for employee parking and overflow parking. Additionally, the applicant is recommending this parking lot be closed and gated off when the facility is closed.

Peter DeMallie of Design Professionals presented on behalf of the applicant and added that Rachel Meier and Daniel Jameson of Design Professionals were also present. Mr. DeMallie reviewed the parking issue for this site. He explained there was no immediate space for parking in front of next to the facility, however, there was space 300 ft. away from the building, which is allowed per the regulations. Mr. DeMallie added that per the request of Michele Lipe, they have also included a 300 ft. sidewalk along the westerly side of the existing parking area that connects to the proposed parking lot. Mr. DeMallie added that they have one van accessible EV parking space in the lot.

Director of Planning Michele Lipe read the Planning Report.

1. Request for site plan approval under Section 6.4.7 to create an off-site parking lot for 20 cars on 45 John Fitch Boulevard for the Prime Wellness hybrid facility proposed at 75 John Fitch Boulevard, GC zone. The proposed parking lot will be for customers/employees of the Prime Wellness establishment.
2. Criteria for off-site parking per Section 6.4.7.C include: the building the parking lot serves must within 600 feet of the lot. The proposed lot is approximately 300 feet for the proposed business.
3. This application is in response to Prime Wellness request to become a Hybrid Cannabis facility. The parking requirement, based on the breakdown of uses at 73 John Fitch Boulevard, require 9 additional parking spaces. The new parking area has 20 spaces proposed. They have shown one EV charger to be installed.
4. Landscaping treatments are show in within the island as well as some perimeter plantings along the Route 5 side of the parking lot. Proposed impervious coverage is 29.3%, maximum impervious coverage allowed is 65%. Interior landscaping is 19%; 10% required.
5. There are two light poles proposed with full cutoff fixtures on 25' in height.
6. There is a new sidewalk proposed along the rear of the existing parking lots of the plaza. This sidewalk will connect via crosswalk at the northern end of the building. The existing sidewalk on the northern side of the building is only 3 feet wide. We recommend that some additional markings and signage be placed for safety and to alert drivers of pedestrians. In addition, we would recommend that the three parking spaces closest to the building along the northern boundary be eliminated to create a safer drive aisle.
7. There are no regulated wetlands on this site nor ½ acre disturbance so nor IWA/CC permit is required.

If this application is approved, the Planning Department recommends that an approval condition be placed requiring the as-built of the new parking area and sidewalk be submitted prior to the opening of the hybrid facility.

Michele Lipe questioned in the applicant if the parking lot was specifically tied to Prime Wellness or would this lot remain with the commercial building, should Prime Wellness leaves. Attorney Slater responded that to his understanding, this lot would be tied to the land/commercial building.

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Town Engineer Jeffrey Doolittle commented that the pedestrian walkway along the north side of the site needed to be marked and expanded. Mr. Doolittle also commented on the six existing parking spaces in northeast corner of the site and recommend that the three closest spaces be removed to allow safer pedestrian access. Additionally, Mr. Doolittle requested a stop sign be added when exiting the proposed parking lot. Lastly, any easement or drainage right of way be shown on the plans as well.

Chairman Pacekonis questioned the width of the sidewalk. Michele Lipe commented they were 4 ft. wide. Chairman Pacekonis questioned the location of the dumpster on the site and if they would need to be relocated. Rachel Meier of Design Professionals commented that they did offset the front edge by 10-12 ft., therefore, the sidewalk should be able to continue behind the dumpsters. Ms. Meier added that should it be necessary to relocate the dumpsters they would. Chairman Pacekonis questioned if they would be willing to screen the dumpsters. Attorney Slater commented that he believes the property owner would be willing to do this. Chairman Pacekonis commented on lighting concerns and questioned the hours of operations. Mr. DeMallie commented that current hours are 9am-6pm Monday thru Friday and 9am-4pm on Saturdays and added that there are light poles in the parking lot for safety reasons. Chairman Pacekonis questioned if the lighting was conforming. Michele Lipe commented that this application would not be required to address existing non-conforming lighting since they are not changing or modifying the building itself. Chairman Pacekonis commented that the parking lines currently in the lot are non-existent and need to be re-stripped. Mr. DeMallie commented that this could be addressed. Chairman Pacekonis questioned if staff had concerns with the use of this parking lot after hours. Attorney Slater explained that the plan at this time is allow this parking to be used as overflow parking for Prime Wellness during operating hours and should they find other businesses in this development need the overflow parking after Prime Wellness hours, they would consider not gating this parking lot. Chairman Pacekonis questioned the lease arrangement.

Commissioner Wagner questioned the snow removal/storage for the sidewalk. Rachel Meier responded that the sidewalk was offset by 10 ft of pavement, which could provide snow storage in this area. Additionally, there is space to the west side of the sidewalk as well.

Commissioner Wagner motioned to extend the meeting to 10:30 pm. Commissioner Cavagnaro seconded the motion. The vote was called and the motion passed unanimously.

Commissioner LeBlanc motioned to approve the application with the following modifications:

1. Prior to commencement of any site work, a meeting must be held with Town Staff.
2. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
3. A landscape bond in the amount of \$3,000 is required and must be submitted prior to the issuance of a certificate of occupancy if work is not completed.
4. All bonds must be in one of the forms described in the enclosed Bond Policy.
5. An as-built plan is required prior to issuance of a Certificate of Occupancy for the Hybrid Cannabis facility per Section 9.1.3 of the Zoning Regulations.
6. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
7. The building street number must be included on the final plan.
8. Pavement markings must be maintained in good condition throughout the site drives and parking areas.

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9. All free-standing signs and/or building signs require the issuance of a sign permit before they are erected.
  10. Engineering comments dated 3-11-22 must be incorporated into the final plans.
  11. A painted crosswalk shall be added between the two retail buildings
- Commissioner Vetere seconded the motion. The vote was called and the motion passed unanimously.

**BONDS: Callings/Reductions/Settings**

**IWA/CC Bond**

Appl. 16-50P Hartford Truck E&S Bond in the amount of \$5,000 to be reduced by \$5,000 to leave a balance of -0-

Appl. 20-40P Progressive Sheet Metal E&S Bond in the amount of \$3,000 to be reduced by \$3,000 to leave a balance of -0-

Appl. 20-44P Costco E&S Bond in the amount of \$30,000 to be reduced by \$30,000 to leave a balance of -0-

Commissioner Cavagnaro made a motion to reduce the above-mentioned bonds. Commissioner Dexter seconded the motion. The vote was called and the motion passed unanimously.

**Subdivision Bond**

Appl. 20-56P Vintage Hills II Bond in the amount of \$93,000 to be reduced by \$83,000 to leave a balance of \$10,000

Commissioner Cavagnaro made a motion to reduce the above-mentioned bonds. Commissioner LeBlanc seconded the motion. The vote was called and the motion passed unanimously.

**MINUTES:** 1/25/22, 2/8/22, 2/15/22- The minutes were accepted by consensus.

**OLD BUSINESS:**

**ADJOURNMENT:**

Commissioner Vetere motioned to adjourn. Commissioner Cavagnaro seconded the motion. The meeting adjourned at 10:27 pm

Respectfully Submitted,

Caitlin O'Neil, Recording Secretary